

#363
1 BILL NO. Z-88- 08-40

2 ZONING MAP ORDINANCE NO. Z- Last

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. V-10.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is
8 hereby designated a B-1-B (Limited Business) District under
9 the terms of Chapter 33 of the Code of the City of Fort
10 Wayne, Indiana of 1974:

11 PARCEL "A"

12 Part of that part of Fractional Section 3, Township 30
13 North, Range 13 East, Allen County, Indiana, lying
14 North of the centerline of Lake Avenue (formerly
15 Maysville Road), and being more particularly described
16 as follows, to-wit:

17 Commencing at the point of intersection of the
18 centerline of Lake Avenue with the West line of E.C.
19 Kercheval Reserve; thence N 87 degrees 44 minutes W, on
20 and along said centerline, a distance of 100.0 feet
21 (bearings in this description are based on a deed
22 bearing of S 00 degrees 49 minutes 51 seconds E for the
23 East line of Lot #1 in Bouries Reserve in said Township
24 and Range); thence S 89 degrees 41 minutes W,
25 continuing along said Lake Avenue centerline a distance
26 of 462.7 feet to the true point of beginning; thence;
27 thence S 89 degrees 41 minutes W continuing along said
28 centerline, a distance of 200.0 feet; thence N 00
29 degrees 14 minutes W, a distance of 320.0 feet; thence
30 N 89 degrees 41 minutes E and parallel to said Lake
31 Avenue centerline, a distance of 200.0 feet; thence S
32 00 degrees 14 minutes E, a distance of 320.0 feet; to a
true point of beginning, containing 1.469 acres of
land, subject to legal right-of-way for Lake Avenue and
subject to all easements of record.

PARCEL "B"

Part of that part of Fractional Section 3, Township 30
North, Range 13 East, Allen County, Indiana, lying
North of the centerline of Lake Avenue (formerly
Maysville Road), and being more particularly described
as follows, to-wit:

Commencing at the point of intersection of the
centerline of Lake Avenue with the West line of E.C.
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and along said centerline, a distance of 100.0 feet
(bearings in this description are based on a deed
bearing of S 00 degrees 49 minutes 51 seconds E for the
East line of Lot #1 in Bouries Reserve in said Township
and Range): thence S 89 degrees 41 minutes W,

#363

1 continuing along said Lake Avenue centerline, a
2 distance of 662.7 feet to the true point of beginning;
3 thence S 89 degrees 41 minutes W continuing along said
4 centerline, a distance of 200.00 feet; thence N 00
5 degrees 14 minutes W, a distance of 320.0 feet; thence
6 N 89 degrees 41 minutes E and parallel to said Lake
7 Avenue centerline a distance of 200.0 feet; thence S 00
8 degrees 14 minutes E, a distance of 320.0 feet to the
9 true point of beginning, containing 1.469 acres of
10 land, subject to legal right-of-way for Lake Avenue and
11 subject to all easements of record.

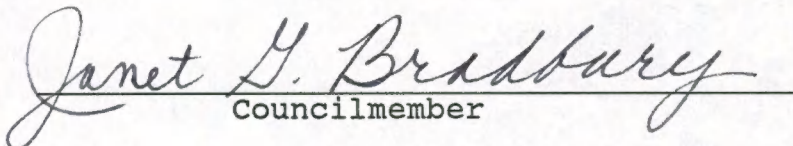
12 PARCEL "C"

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14 North, Range 13 East, Allen County, Indiana, lying
15 North of the centerline of Lake Avenue (formerly
16 Maysville Road), and being more particularly described
17 as follows, to-wit:

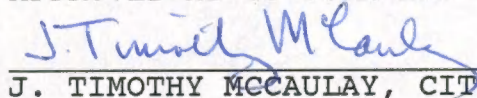
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27 distance of 862.7 feet to the true point of beginning;
28 thence S 89 degrees 41 minutes W, continuing along said
29 centerline, a distance of 289.0 feet; thence N 85
30 degrees 25 minutes W, continuing along said centerline,
31 a distance of 181.0 feet; thence N 00 degrees 14
32 minutes W, a distance of 304.5 feet; thence N 89
degrees 41 minutes E, a distance of 469.4 feet; thence
S 00 degrees 14 minutes E, a distance of 320.0 feet to
the true point of beginning, containing 3.416 acres of
land, subject to legal right-of-way for Lake Avenue and
subject to all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. V-
10, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

DATE: 1-23-58

Read the third time in full and on motion by Bretting,
seconded by Redd, and duly adopted, placed on its
passage. **PASSED** **LOST** by the following vote:

DATE: 9-13-88

ATTEST:

SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19____,
at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19_____, at the hour of _____ o'clock _____ .M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 2797

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

7/14 1988
Collentine Real Estate \$100.00
Carefree Road 100 DOLLARS
6253 Lakeview
R-1 to R1B beyond
xmg
AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED 7/14/88

INTENDED USE Light Commercial

THIS IS TO BE FILED IN DUPLICATE

I/We Emery Gant

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-1-B District the property described as follows:

Tract 36 W. 470' S. of 320' N. of Lake Ave. and 962.7' W. of W. line of
E. C. Kerchival Reserve, Sec. 3, Adams township

Tract 37 W. 200' of E. 962.7' of S. 320' N. of Lake Ave. and W. of W. line
Kerchival Reserve, Sec. 3, Adams township

Tract 38 W. 200' of E. 762.7' of S. 320' N. of Lake Ave. and W. Of W. line
E. C. Kerchival Reserve, Sec. 3, Adams township

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6253 Lake Ave, Extended (Maysville Rd.)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Emery Gant

503 W. Casey St., Hebron, IN
46411

Emery Gant

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Sean Collentine
(Name)

305 Arcadia Ct.
(Address & Zip Code)
Ft. Wayne IN 46807

456-4250
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Tract 36	W. 470' S. of 320' N. of Lake Ave. and 962.7' W. of W. line of E. C. Kerchival Reserve, Sec. 3, Adams twndship
Tract 37	W. 200' of E. 962.7' of S. 320' N. of Lake Ave. and W. of W. line Kerchival Reserve, Sec. 3, Adams twndship
Tract 38	W. 200' of E. 762.7' of S. 320' N. of Lake Ave. and W. Of W. line E. C. Kerchival Reserve, Sec. 3, Adams twndship

Owners of Property

Emery /Gant	503 W. Casey St., Hebron, IN 46341	<i>Emery Gant</i>
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

DESCRIPTION

PARCEL "A"

Part of that part of Fractional Section 3, Township 30 North, Range 13 East, Allen County, Indiana, lying North of the centerline of Lake Avenue (formerly Maysville Road), and being more particularly described as follows, to wit:

Commencing at the point of intersection of the centerline of Lake Avenue with the west line of E. C. Kercheval Reserve; thence N 87°-44' W, on and along said centerline, a distance of 100.0 feet (bearings in this description are based on a deed bearing of S 00°-49'-51" E for the East line of Lot #1 in Bouries Reserve in said Township and Range); thence S 89°-41' W, continuing along said Lake Avenue centerline, a distance of 462.7 feet to the true point of beginning; thence S 89°-41' W continuing along said centerline, a distance of 200.0 feet; thence N 00°-14' W, a distance of 320.0 feet; thence N 89°-41' E and parallel to said Lake Avenue centerline, a distance of 200.0 feet; thence S 00°-14' E, a distance of 320.0 feet to the true point of beginning, containing 1.469 acres of land, subject to legal right-of-way for Lake Avenue and subject to all easements of record.

PARCEL "B"

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PARCEL "C"

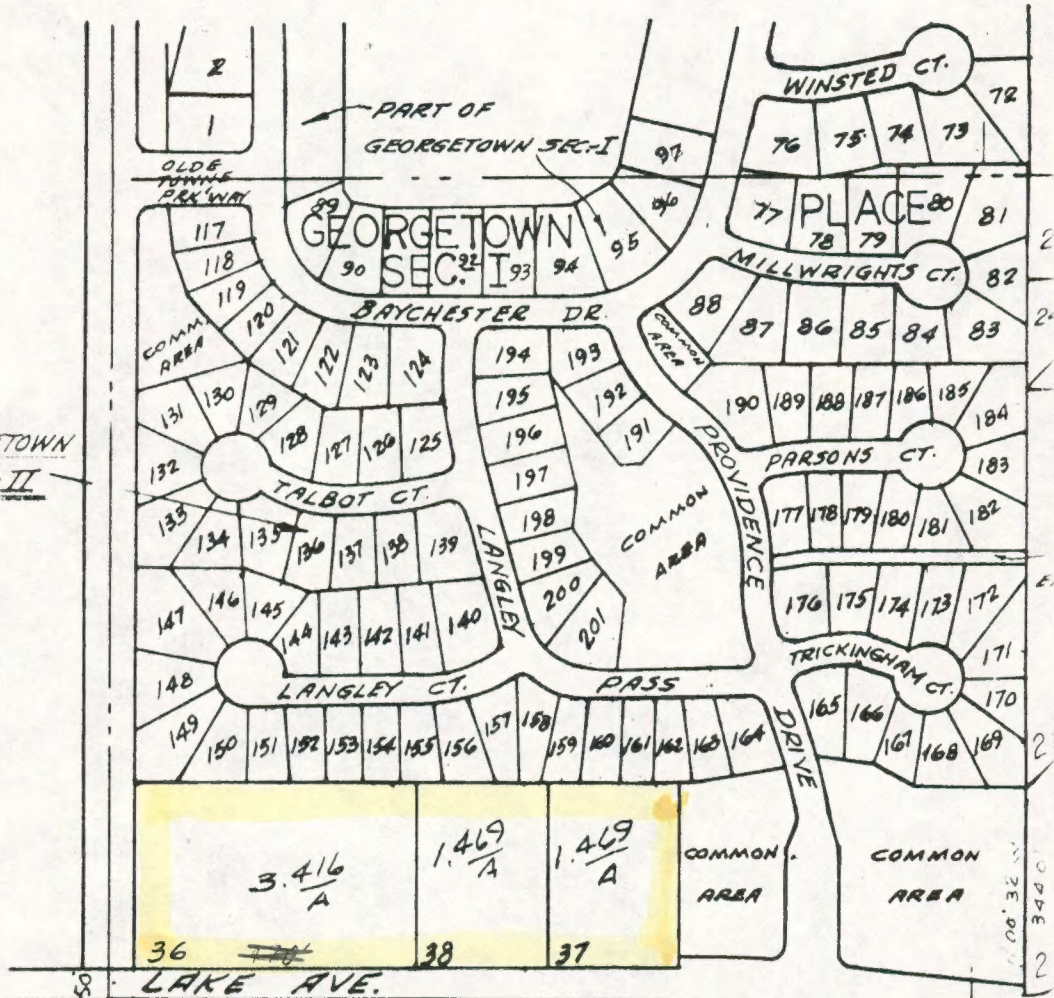
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70.75
A

02

GEORGETOWN
SEC.-II



6

ST. LINE KERCHEVAL

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 23, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-08-40; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 15, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

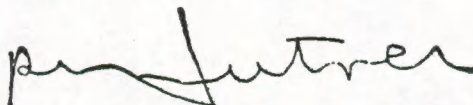
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held 22 August 1988.

Certified and signed this
25th day of August 1988.



Robert Hutner
Secretary

#363

ORIGINAL

ORIGINAL

DIGEST SHEET

Zoning Ordinance Amendment

TITLE OF ORDINANCE

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE

6253 Lake Avenue

2-18-08-40

EFFECT OF PASSAGE

Property is presently zoned R-1 - Single Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE

Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to B-1-B

DETAILS

Specific Location and/or Address

6253 Lake Avenue

Reason for Project

Limited Commercial Development

Discussion (Including relationship to other Council actions)

18 August 1988 - Public Hearing

See attached minutes of meeting.

22 August 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one (1) did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Emery Gant

City Department

Other

Opponents

Groups or Individuals

Dave Scherer/6603 Parsons Ct
John Klotz/1206 Langley Ct

Basis of Opposition

-add to traffic congestion
-devalue property in area

Staff
Recommendation☐ For ☒ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For ☒ Against☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY / PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 14 July 1988

Projected Completion or Occupancy

Date 25 August 1988

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Gay Banta
Reference or Case Number

Date

30 August 1988

b. Change of Zone #363
From R-1 to B-1-B
6253 Lake Avenue

Sean Collentine, realtor appeared before the Commission for the petitioner Emery Gant. Mr. Collentine stated that they were requesting the rezoning for the purpose of developing the property for limited commercial uses. Mr. Collentine stated that he would like to comment on the staff recommendation of Do Not Pass beginning with the first reason that 1) Approval would be contrary to the Comprehensive Plan. Mr. Collentine stated that the Comp Plan is a general plan. He passed out copies of pages from the Comp Plan and noted that the areas circled were not originally shown to be developed commercially but have since been developed commercially, such as GM, the south side of Illinois Road commercial development, the Northeast corner of Cook & Coldwater Road has been developed as an office park. He stated the Comp Plan also did not anticipate that Maplecrest Road would be extended. He stated that this access into the area changes the character of the area. He stated that he had consulted with the Street Engineering Department and in the 2008 Transportation Plan there is an anticipated bridge going across the Maumee River across the Water Filtration Plant over to Adams Center Road. He stated that this request is not contrary to the Comp Plan. Reason 2) It would not be in character to the immediate area. He stated that on three sides there is bare ground. He stated that the housing development north of this property has an 8 ft concrete barrier separating this property from the development. Reason 3) The approval could have a negative impact on property values within the area. He stated that he could not comment on that and felt that the physical barrier is intended achieve the separation of the two properties. He stated that when a commercial development goes in the property surrounding does not go down in value. Reason 4) Approval would constitute a spot zoning classification, establishing an unwarranted precedent. Mr. Collentine stated that "spot zoning" seems to be a catch all. He stated that they submitted the whole 6 1/2 acres of land to try and negate this point which is a constant battle. He stated that the area needs services and this development is being designed to fit the needs of the area. He stated that the Commission could put some restrictions on the uses, and the owner would not object to that, restrictions that would make sense to the confines of the area.

Mel Smith stated that the traffic out in this area is a problem and that Mr. Collentine refers to what the plans are for 2008. He stated that this is 1988.

Mr. Collentine stated that this is the only route other than State Street that is going to service the whole west end. He stated that they are looking at by 1992 expanding Lake Avenue.

The following people spoke in opposition:

Dave Scherer, 6603 Parsons Court
John Klotz, 1206 Langley Pass
Resident, 6623 Langley Ct

The opposition stated that there is a definitely a traffic problem there now and this development is not even full as far as villa owners and new homes. It was stated they will probably have twice the traffic coming out of this project when it is complete. They stated that the developers of Georgetowne Place made an offer on the property with the idea to make this a common area for the complex. They also stated their concern for property values if this property is developed commercially. Petitions were submitted containing some 70 signatures from homeowners in Georgetowne Place, Lofton Woods and along Lake Avenue in opposition to the rezoning. It was also noted by the opposition that they had learned from the city that there were no plans for improving the roads in this area for at least 10 years.

Paul Bacon, realtor, stated that a commercial development on this property would certainly negate the progress for the future development in Georgetown Place. He stated that many of the lots are still vacant and for these lots to be built on and sold they need every advantage possible.

Janet Bradbury questioned why Mr. Bacon was interested in this rezoning.

Mr. Bacon stated that Star Builders Realty is responsible for the sales of the villaminium section of Georgetowne of which there are approximately some 50 to 60 lots to still be sold.

Wil Smith questioned if there was a drainage problem in the area.

It was noted by a resident that there is presently, but this land sits very low and if it were built up it could cause a problem.

In rebuttal, Mr. Collentine stated that he had received his information from the Street Department about the future road development. He stated that he did not feel that a well developed site at this corner would hurt the Georgetown Place development. He stated that he did not feel that this property could be developed for residential use. He stated that as to developing a drainage problem that realistically this property would not lend itself to fill and that there are drainage easements in the area.

Steve Smith stated that the staff recommendation is do not pass. He stated that they have found that there are problems with putting commercial zonings in areas like this. He stated however if this is turned down for the B1B they might want to reevaluate their request and apply for an office use on this property. The Commission has found around the city numerous times where a nice low density office use is compatible.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-88-08-40

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City
of Fort Wayne Zoning Map No. V1-0

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do ~~Not~~ Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON
Mark E. GiaQuinta MARK E. GIAQUINTA
VICE CHAIRMAN
Charles B. Redd CHARLES B. REDD

[Signature] DAVID C. LONG
[Signature] PAUL M. BURNS

CONCURRED IN 9-13-88

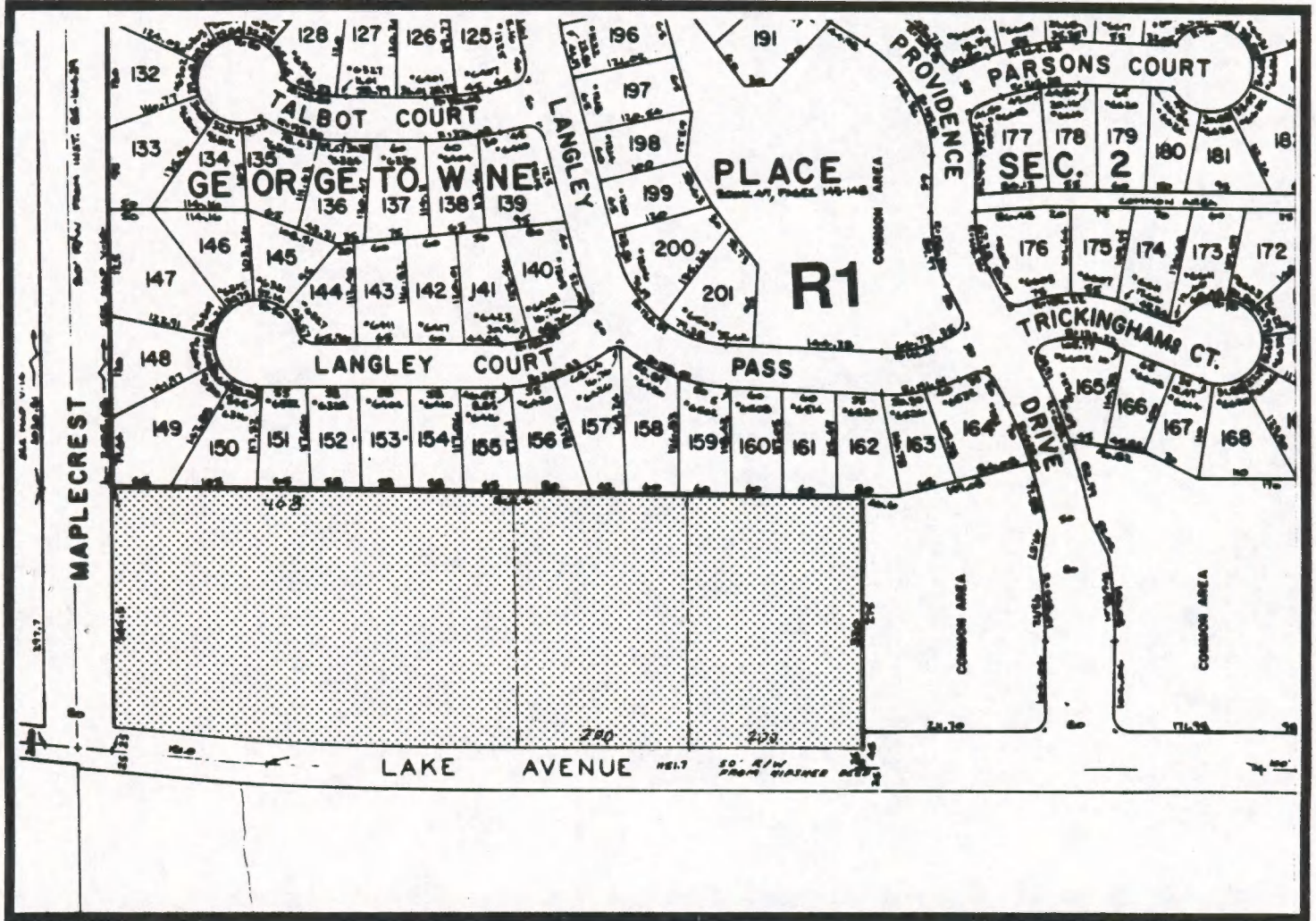
Sandra E. Kennedy
City Clerk

REZONING PETITION #363

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A B1B DISTRICT.

MAP NO. V-10

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT

LAND USE:

☐ SINGLE FAMILY

SCALE: 1" = 200'

DATE: 7-29-88

